JZ 56-0203

G. R. S. IX-5]

Previous references.

File No. 38

19D2. 03.

Serial Nos. 1, 2, 3

(Prisons)
Jails.

Later references.

P 45

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1. 2. & 3

Major ~~Part B for~~ December 1902

SUBJECT.

Release of Prisoners and remission of ~~a portion of the~~ Sentences in all the Jails on the occasion of King Emperor's Coronation in 1903.

Indexed

WD

con-termarked

W

W D 1250—GPB—30,000 - 28-1-19

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

Pol. — File No. 38/02

FILE HEADING.

Release of prisoners and remission of sentences in all the jails on the occasion of the King Emperor's Coronation in 1903.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

(#) (

attention is respectfully
solicited Ghana 14.
I recommend that
this telegram may
be gracefully heard
that similar action
if approved further
action in detail
will be taken in
consultation with
the Consuls and
in accordance with
the course generally
adopted in the State
for the recapture of
fugitives.

9. X. 02 Wilds.

Record of Case submitted for the orders of His Highness the Maharaja.

Mr. 1.C.'s Confidential

Subject.

First Assistant Resident's D.O. to the Dewan dated the 6th October 1902 re the release of prisoners &c. on the 1st January 1903. .

Order.

I agree

~~KRAV~~

10/10/02

Rd 10/10

I should advise if the II Councillor will take the necessary action in this matter.

Note 2nd Councillor. - 11 X. 03

11/10

Mr. Chandrasekhara Iyer recently returned from leave to Kodaikanal and Nilgiris desires to see me. Will see me after Hd. Office work is over as early as possible - C.

12/10/03

Confidential

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject.

Release of prisoners on the Mysore State on the 1st Jan.y 1903 in honor of the celebration of the Coronation of H.M. the King Emperor

Note.

I submit for approval the draft of an offl. memorandum, reproducing the instructions as to release of prisoners contained in Mr Mosse's D.O. of the 6th inst, and as to submission of lists, specimens etc. on the line of those issued in connection with H.H. the Maharaja's installation -

No civil prisoners were released during the recent Dasara festivities. But for precedents, vide the following

(a) { Govt of India Resln no 370 dy 1st Jany 1887 (Delhi Durbar Celebrations)
Mysore Chief Commr's order no 291-305 dy 7-3-01 (8th birthday of the late Maharaja)

(a) { Govt of India Resln no 5-285 dy 16-2-87 (Queen's Jubilee 1887)

1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

(a) As to release of prisoners in Mysore on the occasion

(14)

i) J. A. Residents Dd of 26.4.97 &
Our Off memo dd no 14452 D.C. dd
26.4.97) (Queen's Diamond Jubilee).

It does not appear that any civil prisoners were released vide x no 26 in file 2C 41 of 1897.

On receipt of the lists & particulars called for in the official memorandum formal orders have to be issued sanctioning the release & remission & payment of civil debts & prescribing the procedure to be followed in announcing and giving effect to the indulgences granted. On the last point, compare paras 4, 5 & 6 of F.D. no 13602-13 dd 19.6.97) (x no 26 in the
this 2710
Diamond Jubilee file.)—

18.10.02
20

Passed in Council
20/10/02

-A5-

5

Official Memorandum

The Government of His Highness the Maharaja have resolved to release a certain number of prisoners and to remit a portion of the sentences of other prisoners in all jails in the Mysore State, on the 1st January 1903 as an act of clemency and grace, and as one of the measures for celebrating the auspicious occasion of the Coronation of His Most Gracious Majesty the King, Emperor of India.

2. It is proposed to release prisoners belonging to the following classes, namely,

I. General offenders.

II. Female prisoners.

III. Civil prisoners.

And the following orders are issued by Government under each of these heads:--

I. General Offenders.

3. The Government of His Highness sanction the release on January 1st, 1903, of not more than ten per cent of all the prisoners under confinement in the State. In selecting the prisoners to be released the principles enumerated in the succeeding paragraphs are to be followed.

4. In the first place there are

three classes of prisoners who must be excluded from consideration, namely:--

1st, those whose conduct during their imprisonment in jail has been bad and turbulent;

2nd, those, under life sentences, whose original offences were of a kind to make the convicts permanently dangerous to society or public order, whenever they should be restored to liberty; and those whose crimes were committed in such circumst nces that their release is likely to give rise to a renewal of blood-feuds, or other dist rbances of the public peace;

3rd, professional or habitual criminals, and prisoners convicted more than twice.

5. On the other hand, there are three classes of general offenders who are specially entitled to clemency, namely,--

1st, those who have generally borne a good character, and have been led by sudden impulse to commit crimes, such as riot, affray, assault, and culpable homicide in a moment of anger. In this category would also fall women who have committed infanticide to hide their shame,

and all other offenders whose crimes were committed in circumstances which would greatly extenuate their guilt;

2nd, those who committed the crimes for which they are undergoing punishment, at an early age, and without the display of any special depravity; so that it may be inferred that they erred more from ignorance than from conscious wrong doing;

3rd, those who, though the crimes committed by them were of a grave character, have expiated them to some extent by long imprisonment with good behaviour. In this category are to be included a few life-convicts of the following kinds:- (a) those belonging to class (iii)* who have been in prison for fifteen years, and those belonging to classes (i)# and (ii)@ who have been in prison for twenty years, provided that both have generally behaved well throughout the period of their confinement, and (b) those who have completed half their sentence and who, on the

vide Rule 1 of the Mad Rules
dt 17th April 1899

Class (i) Thugs, robbers by administration of poisonous drugs, and professional hereditary or specially dangerous criminals convicted of heinous organised crime, such as dacoity:
Class (ii) Dacoits and other persons convicted of heinous organised crime who are not professional, hereditary or specially dangerous criminals:
Class (iii) All other prisoners.

ground of advanced age or infirmities, are fit subjects for clemency.

6. Prisoners who become eligible for release in the ordinary way by the termination of their sentences on the 1st January 1903, should not be treated as coming among the number to be specially released on that day. Similarly, the ten per cent limit will not apply to prisoners released in pursuance of the further concessions made in paragraphs 8, 9 ~~10~~ ~~11~~ below, but only to those who would only be eligible for release under the specific concession stated in paragraph 5. The terms of release of prisoners in accordance with this concession will be the same as those which apply to prisoners released under ordinary rules.

7. The selection for release must be made in fair proportion from all the three classes of offenders specified in paragraph 5, regard being had as far as possible, to the character of their original crimes, and the number released is to be spread, as evenly as ~~possible~~ is feasible, over all localities in the State.

8. The Government of His Highness are also desirous of extending a measure of clemency to offenders serving

short sentences of imprisonment, and to general offenders who do not obtain release under the terms stated above. The concessions which the Government sanction for short-term prisoners are (i) that all persons under sentence of one month's imprisonment or less, who may have worked out half their sentence on or before the 1st January 1903, may be released on that date without exception , and (ii) that all persons under sentence of one month's imprisonment or less, who may not have worked out half their sentence on or before the 1st January 1903, may be granted a remission of half their sentence.

In the case of prisoners sentenced to terms of more than one month's imprisonment, who are not selected for release, the following concessions are sanctioned:- (i) all persons under sentence of imprisonment for more than one but not more than six months may be granted a remission of fifteen days; (ii) all persons under sentence of imprisonment for more than six months but not more than a year may be granted a remision of one months ; (iii) all persons under sentence of imprisonment for more than a year may be granted a remission of one month for each completed year of imprisonment already served by them. In calculating remissions, fractions of a year of impri-

sonment not exceeding one-half should carry fifteen days' remission, and fractions exceeding one-half, one month's remission.

All remissions granted in accordance with these orders are to be restricted to well-conducted convicts. In no circumstances must the boon be extended to such criminals as have been more than twice convicted; or to those who have been committed to jail in default of security for keeping the peace; or to any person whose premature release may be deemed by the local authorities to be seriously inexpedient for reasons of local importance.

II.-- Female Prisoners.

9. The Government are pleased to order the release of all female prisoners whose offences were not of a serious character.

III.-- Civil Prisoners.

10. As regards civil prisoners, Government are pleased to direct the release of all persons confined in prison in execution of decrees of the Civil Courts whose debts do not exceed the sum of Rs.100, provided they are poor and not fraudulent; the debt or debts for which they are detained being paid by the Government

11)

10. In every case of release or remission, the circumstances in which the measures of clemency and grace have been ordered by the Government is to be fully explained to every individual concerned, in order that all may join in the general rejoicings on the occasion of the celebration.

11. In the case of prisoners under sentence of one month's imprisonment or less, who are to be released or granted remissions under paragraph 8 on the 1st January 1903, the submission of lists to Government for previous sanction is likely to be attended with some difficulty, and will not therefore be insisted upon. A consolidated list of such prisoners released or granted remissions in all the Lock-ups in each District and in each of the Jails at Bangalore, Mysore and Shimoga, should be submitted as early after the 1st January 1903 as may be practicable.

12. In the case of other prisoners the Inspector General of Prisons is requested to be so good as to cause two lists, one for prisoners released and the other for those granted remissions, to be carefully prepared in [illegible] form, and to submit the same confidentially for the orders of Government on or before the

10th December next. He will further furnish at the same time to every District Magistrate an extract from the said lists containing particulas of the prisoners of his District proposed to be released or granted remission of sentence, and the District Magistrate will, after careful scrutiny, submit to Government by the 15th December any suggestions he may wish to offer on the Inspector Generals recommendations. In making the selection, the I.G. will be guided by the instructions given above, and in doubtful cases he will (and to save time the Supts. of the Central Jail, Bangalore, and the Mysore and Shimoga Jails may themselves directly) seek the advice and suggestions of the Magistrate of the District or of the Courts or Magistrates by whom the prisoners concerned were convicted. The Inspector-General will also simultaneously forward a copy of the lists to the Registrar of the Chief Court, who will place the same before the Chief Judge with a view to the Govt. being favoured on or before the 15th December next with the opinion of the Chief Court as to the desirability or otherwise of the releases and remissions recommended either generally or in individual cases.

15. A copy of this memorandum will

22 (13)

be forwarded to the Registrar of the Chief Court for the information of the Judges of the Chief Court, the I.G. of Prisons and the Magistrates of Districts.

With 3 spare copies for commn. to the Spts. of Jails with necessary instructions.

14.7.6

15. The orders of Government sanctioning the releases & remissions recommended and prescribing the procedure to be followed in announcing and giving effect to the same, will be communicated to the officers concerned in due time before the 1st January 1903.

Secy. to Govt

N.B. A copy will also have to be sent to the Complete as the debtor Civil Prisoners will have been paid off.

List showing the names &c of prisoners recommended to be released from the jails in the Mysore State, or to be granted remissions of sentences, on the 1st of January 1903, as one of the measures for celebrating the Coronation of His Most Gracious Majesty the King, Emperor of India.

Number	Register No.	Name	Sex	Age	Caste	Occupation	Offence of which convicted.	Court by which sentenced.	Date of sentence.	Period of sentence.	Date on which sentence will expire.	Period remaining.	Remission if any to be granted.	Remarks
		Bangalore Central Jail –												
1														
2														
3														
4 and so on.														
		Mysore Jail –												
1														
2														
3														
4 and so on														
		Shimoga Jail –												
1														
2														
3														
4 and so on.														

25. 115 (4)

COUNCIL CASE.

Opinions of the Dewan and Councillors.

The draft official memo-
-randum conveying instructions
for the selection of prisoners
to be released and of those to
be granted reduction of sen-
-tences, may be passed and
issued.

29.X.02

2/8 1C

GOVERNMENT OF MYSORE

Record of Case submitted for the orders of His Highness the Maharaja.

(5)

Subject.

143

Release of a certain number of prisoners and remission of a portion of the Sentences of other prisoners, as an act of clemency & grace on the auspicious occasion of the Coronation of His Most Gracious Majesty the King Emperor of India, on 1st January 1903.

Order.

Approved

~~KRW~~

31/10/02

184

1 8809 order accordingly issued

2.XI.02

Regd this be printed, &c in the case of previous orders & circulars

D.O. to ~~R.C.~~ Secretary for info by 3-11-02

6852
RD 28.7.02

27 Confidential

Submitted

Printed copies of the official memorandum about the release of prisoners, have been received. May these be issued by the end of November as directed. The replies are due here by the 15th of Dec. '02.

Yes, confidentially

2. Instructions are solicited as to whether any orders should issue about the Civil Prisoners.

please send a separate note about it

3. Orders are also required as to whether the reference to Shimoga Jail may be omitted in the order, as it has been abolished.

Yes - If all such persons have been transferred elsewhere where the benefit of the order may reach them

88.
24.11.02

24/11

24.XI.02 To the Diwan.

24/11

I doubt there will be any [illegible] the [illegible] further [illegible] the [illegible]

Very Urgent and Confidential

19

OFFICE OF THE DEWAN OF MYSORE,
(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

Subject.

Releases of prisoners and the grant of remissions of sentences on the 1st January 1903, in honor of the celebration of His Majesty the King-Emperor's Coronation.

28

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

Note.

This matter has had to be dealt with under certain disadvantages on the present occasion:

i) The Official Memorandum explaining the principles of selection of prisoners, and calling for lists, was only sent to the Judicial Dept. for issue on the 26th November 1902, though it had been approved in Council about a month earlier and was printed soon after. The Council Branch may perhaps be able to explain the reason for the delay in issuing the order.

ii) The whole file was taken away by the Council Clerks who accompanied the Secretary on the Delhi ~~~~ tour; and not a single copy of the Official memorandum of 26th Novr was available for reference. I had to take a loan of the Chief Court's copy, and to get a typewritten transcript of it made for reference. (This i the one now in the file.)

iii) The Inspector-General says that he has not been able to consult the District Magistrates

about the releases and remissions proposed, though he was expressly instructed by Government to do so; and he justifies the omission, not only by the insufficiency of the time available, but also on the ground of such a reference being found "useless and a waste of time"! (Govt. may perhaps take some notice of this remark, which amounts virtually to a criticism of its own order directing a reference to District Magistrates for opinion).

iv) The list of remissions of sentence for the Bangalore Central Jail has not yet been received, in despite of several reminders; and Lt.Col.Smyth, who seems to be in charge of the Prisons Office, says in a D.O. of the 17th instant that he does not know when he will get it, and that even after receipt of it, it will take his office 3 or 4 days to get copies prepared.* Fortunately, the District Magistrate of Bangalore sent to us on the same day (17th), but without his own opinion, a list he had received from the Superintendent direct. For all practical purposes this list, though not authenticated by the Head of the Department, or verified in his office, may be taken to be sufficient, especially as further delay in awaiting a formally certified list seems undesirable at this stage. (Just as these lines were being typed, a letter was received from Lt.Col.Smyth, signing "for Inspector-General," in which we are asked to make a copy of the list in this office and send it to the Chief Court, and to make and send another copy to the Inspector-General's Office for reference and record!! This seems to me a very extraordinary and improper requisition, and one that requires some steps notice to be taken of it.)

v) Mr Justice Ramachandra Iyer wrote at first on the 15th instant that he had no time to go over more

* It seems a pity that the I.G.'s office is unable to cope up to an occasion like this! V

This list in original has been sent to the I.G. and an abstract of it containing the names of the prisoners and the remissions he grants is sent herewith as the original list is too long to copy. The calculations however have been carefully checked in this Office. 19/12/02

than a very few records by that (the prescribed) date; but we intimated to him demi-officially that the papers would only be despatched from here on the 18th or so, so that he could have a few more days, if he liked, to complete his recommendations. This he has accordingly been kind enough to do in his (red-ink) memorandum received today.

vi) The lists received from the Insp.Genl's Office contained several mistakes, not very serious perhaps, but such as should not have been allowed to occur in such an important matter : they concerned, in many instances, the number of days' remission to be granted. I sent for the Head Clerk of the I.G's Office, but found him ignorant of the correct modes of calculating dates of release, number of days to be remitted, etc. I have, however, carefully gone over the lists, and rectified several errors of calculation, so that the details of remission and release, so far as necessary to be embodied in the final Order, may be taken to be correct. [illegible].

With these preliminary remarks, I beg to submit the file with a draft (and enclosures A to F) for approval. As I have kept duplicate copies of the draft order and its enclosures, all that would be necessary, in case the Second Councillor and the Dewan approve of the same, would be to kindly send us a wire intimating their approval, any little alterations found necessary being also similarly intimated. I venture to suggest this course, because the retransmission of the papers by post will in all probability entail delay in their receipt, and the subsequent issue of orders to District Magistrates, etc, in time for action on the 15th Jan.y 1903.

For convenience' sake, I note below the various points which have to be specifically brought to the notice of Government in dealing with the lists.

Releases of prisoners.

Central Jail
Bangalore.

The Inspector-General's Office has again (as in previous years) treated a life sentence as equivalent to 18 and 20 years, but is not able to explain this otherwise than as in some way a consequence of the ticket-of-leave rules. The Mark Rules of 1899 (printed copy put up) make a life sentence equivalent to 20 and 25 years. Cp. also para 5 of the present Offl.Memo. Again, some lifers (viz.1,4,5,&6) whose only claim to a release arises apparently under para5 clause 3rd of the above Off.Mem., have not yet put in at least fifteen years in Jail, as required. But the entries may perhaps after all be accepted.

No.7 (Reg.No.8581).Yellaga. The Chief Judge says: "If this man has become too old and infirm to prove dangerous to society, he may be released. Otherwise he must be carefully looked after. His conviction in 1888 was his sixth or seventh for house-breaking and theft, and to prevent further mischief to society he was sentenced to transportation for life." The man is 62 years of age, has been in Jail for more than 14 years, and has conducted himself well; and hence seems fully eligible for release. Name retained in List A to be appended to draft order.

No.9(R.No.1395).Bhima. This man has been recommended for release under para 5 cl2nd. But this seems inapplicable, as he was [redacted] 27 years [redacted] at the time of ~~the offence~~ conviction; and his crime, that of rape, is one that stamps the offender as specially depraved. He has moreover put in just a few months only above half the term (6 years). The name has, however, been retained in List A pending orders. The Chief Judge's Note is silent on the point.

No.11 (R.No.~~Z~~384).Vencata. The Chief Judge says: "This is a ruffian who had been hired by certain persons to murder the complainant, and who accordingly shot at him in a forest in Kankanhalli Taluk. Fortunately for the complainant, the shot did not prove fatal. He is a dangerous character and not a deserving object of clemency." Name therefore omitted from List A.

No.12.(R.970).Anthony. The Chief Judge says: "Young in years, but mature in villainy. He was guilty of premeditated murder. He followed a coffee planter's servant who was taking money for his master from the Taluk Treasury at Mudigeri, and in a lonely place he and a fellow-conspirator brutally murdered the poor man and carried away the money. Mr Justice Best regretted that the Sessions Judge had not sentenced the prisoners to death." Name accordingly omitted from List A.

Mysore Jail.

No.4 (R.No.5588).Thipparaju. The Chief Judge says this man "is a native of Madanapalli Taluk in Cuddappa District. Was guilty of torch-

light dacoity in Kolar District, the dacoits being armed with clubs and sickle." Name omitted from List-B.

The same treatment must obviously apply to--

No.5 (R.No.5589).Pullamaraju
and
No.6 (R.No.5734).Bedar Subba. These persons were (as I find from the records in Kolar Sessions Case 25 of 1898-99) co-accused with Thipparaju in the same case, having taken part in the same torch-light dacoity, and were sentenced to the same punishment of 5 years rig. impt. Hence names omitted from List B.

21 (R.No.4822).Krishnabai. Could not be only 15 years now when, as shown by the papers connected with her memorial to the Maharani-Regent, she was 17 in 1900. The Chief Judge says: "Young as she is, she acted with fiendish cruelty to her husband. It was upon his complaint that she and her paramour were convicted. The conviction was upheld by the Chief Court, and her memorial was dismissed by the Maharani-Regent. I have made a few extracts from the Sessions Judge's judgment: -

> 'I have no doubt that the 1st accd Subba Rao and the 2nd accd Krishna Bai were both concerned in the offence of emasculating Lingojee (her husband), although the actual cutting off of the penis of Lingojee was done by the 1st accd. The branding also was done by the 1st accd in the presence of the 2nd accd. It is probable that the 1st accd was carrying on an intrigue with the 2nd accd, and that he wished to get rid of Lingojee by emasculating him, so that he might have the 2nd accd solely for his own enjoyment... Considering the atrocious character of the offence committed by the 1st accd, to which the 2nd accd was also a party, they deserve to be severely punished.'"

ame omitted from List B in deference to
e above remarks. But the evidence of the
man's direct participation in the offence

he appears to be a deserving object of clemency."

"(Anthuvalla & Putta). Same remarks as above. No.61(Putta) has only 17days left, and he will have undergone 20 months imprisonment. He was only 20 years old on the date of the offence. "

"All the above three appear to have been well-behaved in jail."

All the three are eligible for release under para 5 cl 2 or cl 3.

Shimoga Jail.

No.2 (R.No.375).Honna. The Chief Judge says: "Native of North Kanara who committed dacoity in Sagar Sub-Division. The dacoity was attended with revolting cruelty. I quote from the Sessions Judge's judgment:- The robbers seized Gowramma's cloth, dipped it in oil, lighted it, applied it to her arms, and asked her to show the money. Her face and eyes became red." Name omitted from List C.

No.[illegible] (R.No.576).Syed Hussain. The Chief Judge says: "He accompanied his master who was employed in Hubli and who came to Sorab Taluk to collect certain debts. The prisoner entered into a conspiracy with certain dacoits to rob his master. He saw his master robbed, left him in a helpless condition, and ran away with the dacoits to receive his share of the booty." Name omitted from list C.

I venture to submit for consideration in this connection the case of prisoner -- .4377.Lakshmi, confined in the Bangalore Central Jail. The facts are already known to Govt,

as will be seen from the accompanying fil of papers which were circulated among the Dewan and Councillors in April last. The 2nd Councillor said on that occasion: "The unfortunate girl's case may be noted for consideration on some future suitable and auspicious occasion. The case is a clear though deplorable one and, though immediate action is quite out of the question, I would not forget her when an opportunity offers itself; and this I think will be in the near future." The girl's name was included in the list of releases recommended by the Inspector-General on the occasion of His Highness the Maharaja's Installation in August last, and Dr.Benson observed (in the remarks col. of the list) that she "was wanting in brain power and probably did not realise the enormity of her crime." But the late Chief Judge, Mr Justice Best, thought it might be advisable to keep her in jail "for a few years at all events, as she was sentenced only in January last, and is spoken of as a girl addicted to theft." On the present occasion the name of the prisoner has not been shown in the list of releases, but is recommended for a month's remission merely. (Vide sl.No.2103 in the remission list for the Bangalore Central Jail). If the Govt. is pleased to show clemency to her at the present opportunity, the name will be entered in List A; but pending orders, it continues only to be shown, of course, in the list of remissions.

277 41 10

List of Remissions recommended.

The Chief Judge has made the following remarks under this head:

Mysore Jail.

No.12. "The prisoner has only 18 days in prison to undergo. Remission of 15 days is recommended. I presume it is a clerical error. If it is not an error, he may be released at once and the remaining three days also excused."

No.17. "There is only one day left after remitting one month. Instead of releasing him on 2nd January he also may be released on the 1st.

Shimoga Jail

No.27. "He is a young man of 21 years of age. He has only 22 days left after 1st Jany. 15 days' remission has been recommended. If it is worth while to make a remission, we may as well remit 7 days more."

The days to be remitted have all been calculated according to the principles laid down in the Offl.Memo. of 26th Nov.last. That Memo. does not provide for additional remissions being granted in such cases. There does not seem to be any reason for deviating from the scale laid down. The entries in question continue therefore to be shown unaltered.

Subd to the Rewan through the 2d Counsellor
19/12/02

18.12.02

STRICTLY CONFIDENTIAL.

Prisons & Jails
File no 38 of 1902-03
8 & 1

BANGALORE.
6. ~~September~~ October 1902

My dear Bruce

I am desired by Colonel Robertson to announce confidentially that the Governor General in Council has resolved to release a certain number of prisoners and to remit a portion of the sentences of other prisoners in all jails throughout British India on the 1st January 1903, as an act of clemency and grace, and as one of the measures for celebrating the auspicious occasion of the Coronation of His Most Gracious Majesty the King, Emperor of India.

2. It is proposed to release prisoners belonging to five different classes, viz,

I. General offenders.

II. Offenders whose crimes are attributable to conditions of scarcity.

III. Female prisoners.

IV. Civil prisoners.

V.

V. Prisoners at Port Blair,

and the following orders have been issued by His Excellency the Governor General in Coincil under each of these heads:-

I.- General Offenders.

3. The Governor General in Council sanctions the release on January 1st, 1903, of not more than ten per cent. of all the prisoners under confinement in each Province. In selecting the prisoners to be released the principles enumerated in the succeeding paragraphs are to be followed.

4. In the first place there are three classes of prisoners, European or Native, who must be excluded from consideration, namely:-

1st, those whose conduct during their imprisonment in jail has been bad and turbulent;

2nd, those, under life sentences, whose crimes are excepted from recommendation for release after twenty years' imprisonment

imprisonment at Port Blair, under the Resolution of the Government of India noted in the margin; and those whose crimes were committed in

Extract, paragraph 8, from a Resolution of the Government of India in the Home Department (Port Blair), No.266-869 dated the 29th July 1874.
If it (i.e.the original offence) was of a kind to make the convict permanently dangerous to society or to public order whenever he should be restored to liberty, in that case the life sentence must run its course.

such circumstances that the release of the criminal is likely to give rise to a renewal of blood-feuds, of other disturbances of the public peace;

3rd, professional and habitual criminals, and prisoners convicted more than twice.

5. On the other hand, there are three classes of general offenders, European or Native, who are specially entitled to clemency, namely,-

1st, those who have generally borne a good character, and have been led by sudden impulse to commit crimes, such as riot, affray, assaults, and culpable homicide in a moment of anger. In this category would also fall women who

who have committed infanticide to hide their shame, and all other offenders whose crimes were committed in circumstances which would greatly extenuate their guilt;

2nd, those who committed the crimes for which they are undergoing punishment, at an early age, and without the display of any special depravity; so that it may be inferred that they erred more from ignorance than from conscious wrong doing.

3rd, those who, though the crimes committed by them were of a grave character, have expiated them to some extent by long imprisonment with good behaviour. In this category are to be included a few life-convicts of the two following kinds;

Class (1) Thugs, robbers by administration of poisonous drugs and professional hereditary or specially dangerous criminals convicted of heinous organised crime, such as dacoity.
Class (2) Dacoits and other persons convicted of heinous organised crime who are not professional, hereditary or specially dangerous criminals.
Class (3) All other prisoners.

(a) those belonging to class (3) under rule I, Part IV of Appendix II to Home Department Resolution, Jails, Nos.500-510 of 31st August 1896, who have been in prison for fifteen years and those belonging to classes (1) and (2),

THE RESIDENT MYSORE

BANGALORE.

(2), who have been in prison for twenty years, provided that both have generally behaved well throughout the period of their confinement, and (b) those who have completed half their sentence, and who, on the ground of advanced age or infirmities, are fit subjects for clemency.

6. Prisoners, who become eligible for release in the ordinary way by the termination of their sentences on the 1st January 1903, should not be treated as coming among the number to be specially released on that day. Similarly, the ten per cent limit will not apply to prisoners released in pursuance of the further concessions made in paragraphs 8, 9, 10 and 11 below, but only to those who would only be eligible for release under the specific concession stated in paragraph 5. The terms of release of prisoners in accordance with this concession will be the same as those which apply to prisoners released

released under ordinary rules.

7. The selection for release must be made in fair proportion from all the three classes of offenders specified in paragraph 5, regard being paid, as far as possible, to the character of their original crimes, and the number released is to be spread, as evenly as is feasible, over all localities in the different provinces.

8. His Excellency in Council is also desirous of extending a measure of clemency to offenders serving short sentences of imprisonment, and to general offenders who do not obtain release under the terms stated above. The concessions which His Excellency in Council sanctions for short-term prisoners are (i) that all persons under sentence of one month's imprisonment or less, who may have worked out half their sentence on or before the 1st January 1903, may be released on that date without

exception

exception, and (ii) that all persons under sentence of one month's imprisonment or less, who may not have worked out half their sentence on or before the 1st January 1903, may be granted a remission of half their sentence.

In the case of prisoners sentenced to terms of more than one month's imprisonment, who are not selected for release, the following concessions are sanctioned: (i) all persons under sentence of imprisonment for more than one but not more than six months may be granted a remission of fifteen days; (ii) all persons under sentence of imprisonment for more than six months but not more than a year may be granted a remission of one month; (iii) all persons under sentence of imprisonment for more than a year may be granted a remission of one month for each completed year of imprisonment already served by them. In calculating remissions, fractions of a year of imprisonment not exceeding one-half should carry fifteen days' remission, and fractions exceeding one-half,

one

one month's remission.

All remissions granted in accordance with these orders are to be restricted to well-conducted convicts. In no circumstances must the boon be extended to such criminals as have been more than twice convicted; or to those who have been committed to jail in default of security for keeping the peace; or to any person whose premature release may be deemed by the local authorities to be seriously inexpedient for reasons of local importance.

II.- Offenders whose crimes are attributable to conditions of scarcity.

9. All persons with sentences of not more than six months' imprisonment, whose offences were, in the opinion of the Local Government in any way attributable to the scarcity which prevails in some Provinces, may, at the discretion of the Local Government be released on the 1st January 1903.

III.-- Female Prisoners.

10. His Excellency in Council is pleased to order the release of

of all female prisoners whose offences were not of a serious character.

IV.- Civil Prisoners.

11. As regards civil prisoners, it is observed that, on the occasion of the assumption by Her late Majesty the Queen of the title of Empress of India, and on the celebration of the completion of the fiftieth and sixtieth years of the reign of Her late Majesty, the Government of India ordered the release of all persons confined in prison in execution of decrees of the Civil Courts whose debts did not exceed the sum of Rs100/-, provided they were poor and not fraudulent; the debt or debts for which they were detained being paid by the Government. The Government of India are disposed to adopt a similar course on the present occasion.

V.- Prisoners at Port Blair.

12. The Superintendent of Port Blair has been addressed with

37 (10)

with reference to the prisoners under this head.

13. In every case of release or remission, the circumstances in which the measures of clemency and grace have been ordered by the Governor General in Council, is to be fully explained to every individual concerned, in order that all may join in the general rejoicings on the occasion of the celebration.

14. I am to request that these arrangements for British India may be brought to the notice of His Highness the Maharaja with the intimation that any similar action taken by the Darbar will be approved by the Government of India.

15. I am to ask that this reference may be treated as strictly confidential.

yrs sincerely

P.N. Krishna Murti Esquire, C.I.E.
Dewan of Mysore.

4/10/02

3-10

Prisons Jail
38 of 1902-03
8(2)
No 8936-45
J. 729-38.

Office of the Dewan Bellypore
Dated, Bangalore, 26 Nov. 1902

(b)

OFFICIAL MEMORANDUM.

The Government of His Highness the Maharaja have resolved to release a certain number of prisoners and to remit a portion of the sentences of other prisoners in all Jails in the Mysore State on the 1st January 1903 as an act of clemency and grace, and as one of the measures for celebrating the auspicious occasion of the Coronation of His Most Gracious Majesty the King, Emperor of India.

2. It is proposed to release prisoners belonging to the following classes, namely :—

I. General offenders.

II. Female prisoners.

And the following orders are issued by Government under each of these heads :—

I. General Offenders.

3. The Government of His Highness sanction the release on January 1st, 1903, of not more than ten per cent of all the prisoners under confinement in the State. In selecting the prisoners to be released, the principles enumerated in the succeeding paragraphs are to be followed.

4. In the first place, there are three classes of prisoners who must be excluded from consideration, namely :—

1st, those whose conduct during their imprisonment in jail has been bad and turbulent ;

2nd, those, under life sentences, whose original offences were of a kind to make the convicts permanently dangerous to society or public order, whenever they should be restored to liberty ; and those whose crimes were committed in such circumstances that their release is likely to give rise to a renewal of blood-feuds, or other disturbances of the public peace ;

3rd, professional or habitual criminals, and prisoners convicted more than twice.

5. On the other hand, there are three classes of general offenders who are specially entitled to clemency, namely :—

1st, those who have generally borne a good character, and have been led by sudden impulse to commit crimes, such as riot, affray, assault, and culpable homicide in a moment of anger. In this category would also fall women who have committed infanticide to hide their shame, and all other offenders whose crimes were committed in circumstances which would greatly extenuate their guilt ;

2nd, those who committed the crimes for which they are undergoing punishment, at an early age, and without the display of any special depravity ; so that it may be inferred that they erred more from ignorance than from conscious wrong doing ;

3rd, those who, though the crimes committed by them were of a grave character, have expiated them to some extent by long imprisonment with good behaviour. In this category are to be included a few life-convicts of the following kinds :— (a) those belonging to class (iii) under Rule 1 of the Mark Rules of 17th April 1899, who have been in prison for fifteen years, and those belonging to classes (i) and (ii) who have been in prison for twenty years, provided that both have generally behaved well throughout the period of their confinement, and (b) those who have completed half their sentence and who, on the ground of advanced age or infirmities, are fit subjects for clemency.

Class (i). Thugs, robbers by administration of poisonous drugs, and professional hereditary or specially dangerous criminals convicted of heinous organized crime, such as dacoity ;

Class (ii). Dacoits and other persons convicted of heinous organized crime who are not professional, hereditary or specially dangerous criminals ;

Class (iii). All other prisoners.

6. Prisoners who become eligible for release in the ordinary way by the termination of their sentences on the 1st January 1903, should not be treated as coming among the number to be specially released on that day. Similarly, the ten per cent limit will not apply to prisoners released in pursuance of the further concessions made in paragraphs 8 and 9 below, but only to those who would only be eligible for release under the specific concession stated in paragraph 5. The terms of release of prisoners in accordance with this concession will be the same as those which apply to prisoners released under ordinary rules.

7. The selection for release must be made in fair proportion from all the three classes of offenders specified in paragraph 5, regard being paid, as far as possible, to the character of their original crimes, and the number released is to be spread, as evenly as is feasible, over all localities in the State.

8. The Government of His Highness are also desirous of extending a measure of clemency to offenders, serving short-sentences of imprisonment, and to general offenders who do not obtain release under the terms stated above. The concession which the Government sanction for short-term prisoners are (i) that all persons under sentence of one month's imprisonment or less, who may have worked out half their sentence on or before the 1st January 1903, may be released on that date without exception, and (ii) that all persons under sentence of one month's imprisonment or less, who may not have worked out half their sentence on or before the 1st January 1903, may be granted a remission of half their sentence.

In the case of prisoners sentenced to terms of more than one month's imprisonment, who are not selected for release, the following concessions are sanctioned:— (i) all persons under sentence of imprisonment for more than one but not more than six months may be granted a remission of fifteen days; (ii) all persons under sentence of imprisonment for more than six months but not more than a year, may be granted a remission of one month; (iii) all persons under sentence of imprisonment for more than a year may be granted a remission of one month for each completed year of imprisonment already served by them. In calculating remissions, fractions of a year of imprisonment not exceeding one-half should carry fifteen days' remission, and fractions exceeding one-half, one month's remission.

All remissions granted in accordance with these orders are to be restricted to well-conducted convicts. In no circumstances must the boon be extended to such criminals as have been more than twice convicted, or to those who have been committed to jail in default of security for keeping the peace; or to any person whose premature release may be deemed by the local authorities to be seriously inexpedient for reasons of local importance.

II. Female Prisoners.

9. The Government are pleased to order the release of all female prisoners whose offences were not of a serious character.

10. In every case of release or remission, the circumstances in which the measures of clemency and grace have been ordered by the Government is to be fully explained to every individual concerned, in order that all may join in the general rejoicings on the occasion of the celebration.

11. In the case of prisoners under sentence of one month's imprisonment or less, who are to be released or granted remissions, under paragraph 8, on the 1st January 1903, the submission of lists to Government for previous sanction is likely to be attended with some difficulty, and will not therefore be insisted upon. A consolidated list of such prisoners released or granted remissions in all the lock-ups in each district and in each of the jails at Bangalore, Mysore and Shimoga, should be submitted as early after the 1st January 1903 as may be practicable.

12. In the case of other prisoners, the Inspector General of Prisons is requested to be so good as to cause *two* lists, one for prisoners released and the other for those granted remissions, to be carefully prepared in the accompanying form and to submit the same confidentially for the orders of Government on or before the 10th December next. He will further furnish at the same time to every District Magistrate an extract from the said lists containing particulars of the prisoners of his district proposed to be released or granted remission of sentence, and the District

Magistrate will, after careful scrutiny, submit to Government by the 15th December any suggestions he may wish to offer on the Inspector General's recommendations. In making the selection, the Inspector General will be guided by the instructions given above, and in doubtful cases he will (and to save time the Superintendents of the Central Jail, Bangalore, and the Mysore ~~and Shimoga~~ Jails may themselves directly) seek the advice and suggestions of the Magistrate of the district or of the Courts or Magistrates by whom the prisoners concerned were convicted. The Inspector General will also simultaneously forward a copy of the lists to the Registrar of the Chief Court, who will place the same before the Chief Judge with a view to the Government being favoured on or before the 15th December next with the opinion of the Chief Court as to the desirability or otherwise of the releases and remissions recommended either generally or in individual cases.

13. A copy of this Memorandum will be forwarded to the Registrar of the Chief Court for the information of the Judges of the Chief Court, the Inspector General of *Prisons and the Magistrates of Districts.

* With 3 spare copies for communication to the Superintendents of Jails with necessary instructions.

14. The orders of Government sanctioning the releases and remissions recommended and prescribing the procedure to be followed in announcing and giving effect to the same, will be communicated to the Officers concerned in due time before the 1st January 1903.

By Order,

Office copy

Secretary.

List showing the names etc., of prisoners recommended to be released from the Jails in the Mysore State, or to be granted remissions of sentences, on the ~~1st of January 1903~~ 8th May 27, as one of the measures for celebrating the ~~Coronation of His Most Gracious Majesty the King, Emperor of India~~ Silver Jubilee of His Majesty's Reign.

Number.	Register No.	Name.	Sex	Age	Caste	Occupation	Offence of which convicted	Court by which sentenced	Date of sentence	Period of sentence	Date on which sentence will expire	Period remaining	Remission, if any, to be granted.	Remarks
1		*Bangalore Central Jail* ...												
2														
3														
4														
and so on.														
		Mysore Jail ...												
1														
2														
3														
4														
and so on.														
		~~*Shimoga Jail*~~ ...												
1														
2														
3														
4														
and so on.														

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Prisons & Jails
File No 38 of 1902-03
88. (3)

Order No. J 960-72 dated 27th December 1902

His Highness the Maharaja has been pleased to direct, as an act of clemency and grace and as one of the measures for celebrating the auspicious occasion of the Coronation of His Most Gracious Majesty the King, Emperor of India, that the following prisoners be released on the 1st January 1903, namely:

From the Bangalore Central Jail:- the prisoners named in List A.

From the Mysore Jail:- ..... --do-- List B.

From the Shimoga Jail:- ..... --do-- List C.;

and that the following prisoners be granted remissions of sentence on the same date, namely:

In the Bangalore Central Jail:- the prisoners mentioned in List D.

In the Mysore Jail:- ..... --do-- List E.

In the Shimoga Jail:- ..... --do-- List F.

2. His Highness is further

further pleased to direct that all persons sentenced by Criminal Courts in the State to imprisonment for one month or less, shall be dealt with as follows, that is to say:-

(1) Such prisoners as may have worked out half their sentence on or before the 1st January 1903 may be released on that date without exception; and (2) such prisoners as may not have worked out half their sentence on or before the 1st January 1903 may be granted a remission of half their sentence.

All releases and remissions in accordance with this part are to be restricted to well-conducted convicts.

In no circumstances must the boon be extended to such criminals as have been more than twice convicted, or to those who have been committed to jail in default of security for keep

keeping the peace; or to any person whose premature release may be deemed to be seriously inexpedient for reasons of local importance. A consolidated list of such prisoners released, or granted remissions in all the Lock-ups in each District and in each of the Jails at Banga--lore, Mysore and Shimoga, should be submitted for the information of Government as early after the 1st January 1903 as may be practicable.

3. In every case of release or remission, the circumstances in which the measures of clemency and grace have been ordered by His Highness are to be fully explained to every individual concerned, in order that all may join in the general rejoicings on the occasion of the celebration; and those that are released will be exhorted to lead